

Art Unit 2651
Serial No.10/698,787

Reply to Office Action of: June 29, 2005
Attorney Docket No.: K35A1304

REMARKS

The Applicant thanks the Examiner for her careful and thoughtful examination of the present application. By way of summary, Claims 1-22 were pending in this application. In this response, the Applicant has not made any claim amendments. Accordingly, Claims 1-22 remain pending for consideration.

Rejection Under 35 U.S.C. 102(b)

The Examiner rejected Claims 1, 4, 10, 12, 15 and 21 as anticipated by U.S. Patent No. 6,034,831 (Dobbek *et al.*). Applicant respectfully traverses this rejection because the Dobbek reference fails to teach every step and limitation of the pending claims.

For example, independent Claim 1 recites that "the plurality of servo sectors comprise a first index servo sector, a second index servo sector, and at least one non-index servo sector between the first and second index servo sectors; [and] a first index mark identifies the first index servo sector and a second index mark identifies the second index servo sector." The Dobbek reference does not disclose this structure.

The Examiner has cited Column 11, line 18 to Column 12, line 4 of Dobbek as allegedly disclosing this structure. However, this passage of Dobbek discloses a servo layout wherein each track comprises only one index servo sector. This servo layout is discussed in detail in the Background of Applicant's specification (p. 2, ll. 7-21). Dobbek clearly states that each track comprises only a single index servo sector: "Each track has a reference index 121," (Col. 3, ll. 55-56), "the servo electronics 112 is attempting to identify the target SID in the incoming data stream by counting SIDs from index" (Col. 6, ll. 55-58). Whenever the head passes this single index servo sector, the "[I]ndex signal 933 is used to reset servo sector counter 914." Col. 11, ll. 38-39.

The Examiner also refers to Dobbek's teaching a servo identifier. Such an identifier is not equivalent to an index mark, as is clear from the fact that the Dobbek reference itself distinguishes between SIDs and servo index marks. See, e.g., Col. 4, l. 65 – Col. 5, l. 6. While an index mark may be used to identify a servo sector, the servo identifier only "precisely identifies a specific position within the servo sector which is

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used as a timing reference." Col. 4, ll. 66-67. Moreover, Claim 1 recites "a disk controller for . . . initializing the servo sector counter relative to which index mark is detected." Dobbek does not disclose initializing a servo sector counter relative to which servo identifier is detected. Indeed, although the Office action states that "the servo identifications have to differ," the SIDs disclosed by Dobbek do not, in fact, differ. Instead, the servo identifiers are used by Dobbek to identify the presence of any servo sector.

Therefore, Dobbek does not disclose or suggest a disk surface, wherein "the plurality of servo sectors comprise a first index servo sector, a second index servo sector, and at least one non-index servo sector between the first and second index servo sectors; [and] a first index mark identifies the first index servo sector and a second index mark identifies the second index servo sector."

Independent Claim 12 recites a method comprising "detecting one of the first and second index marks," wherein the first and second index marks identify first and second index servo sectors respectively. As discussed above, Dobbek discloses a servo layout wherein each track comprises only one index servo sector, and does not disclose nor suggest detecting one of the first and second index marks.

For at least these reasons, Applicant respectfully submits that every pending independent claim incorporates at least one limitation that is not taught or suggested by the prior art, and requests that the rejections be withdrawn.

Dependent claims 2-11 and 13-22 are dependent upon allowable independent claims and are therefore patentable for at least the same reasons given above.

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209

Respectfully submitted,

Date: September 26, 05

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